

ENTERED

May 21, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EMMANUEL A. ADEYINKA, a/k/a §
EMANUEL ADEYINKA, §

Plaintiff, §

v. §

CIVIL ACTION No. H-18-1616

HARRIS COUNTY, *et al.*, §

Defendants. §

MEMORANDUM OPINION AND ORDER

Emmanuel A. Adeyinka, a/k/a Emanuel Adeyinka, a former state inmate, filed this *pro se* section 1983 lawsuit seeking \$11 billion in damages for alleged violations of his constitutional rights during his state criminal proceedings. Having considered the complaint, matters of record, and the applicable law, the Court **DISMISSES** this lawsuit as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).

Plaintiff was convicted of retaliation and sentenced to two year's incarceration in the Texas Department of Criminal Justice. In this lawsuit, plaintiff complains that he was "forced" to sign a waiver of his rights "after convicted," and that he was not read his *Miranda* rights when he was arrested. He seeks \$11 billion in damages for false imprisonment, illegal arrest, and entrapment arising from his criminal prosecution.

A judgment in favor of plaintiff on his claims would necessarily imply the invalidity of his conviction. Plaintiff does not assert, nor is there any indication in the record, that the

conviction has “been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court’s issuance of a writ of habeas corpus.” *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). Thus, his claims seeking monetary damages for false imprisonment, illegal arrest, and entrapment as to his state conviction are not cognizable under section 1983 and must be dismissed. *See id.* at 487.

This lawsuit is **DISMISSED WITH PREJUDICE** until such time as the conditions outlined in *Heck v. Humphrey*, 512 U.S. 477 (1994), are met. Any and all pending motions are **DENIED AS MOOT**.

SIGNED at Houston, Texas on the 18th day of May, 2018.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE